

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 15 2003

OFFICE OF
MANAGING DIRECTOR

Alan L. Button, President
Woolstone Corporation
Post Office Box 1087
100 Karin Court
Angier, North Carolina 27501

Re: FY 2002 Regulatory Fees
For WFPF-FM
Fee Control No. 00000RROG-02-106 III

Dear Mr. Button:

This is in response to your request for waiver and deferment of the Fiscal Year (FY) 2002 regulatory fees in the amount of \$1,500.00, filed on behalf of Woolstone Corporation, permittee of Channel 283A, Aurora, North Carolina.¹

You enclose in your letter correspondence from the Commission granting waiver requests for FYs 1999, 2000, and 2001 because of the encumbrance on your construction permit for reasons beyond your control. Specifically, you state that as of October 1, 2001, Commission and/or judicial actions in MM Docket No. 95-88, which, in part, involves allotment of Channel 283A to Aurora, had not been resolved. You state further that since your construction permit was still encumbered as of that date, you were precluded from commencing construction and your expenses continued even though you were prevented from generating any income. Therefore, you state that payment of your regulatory fee would be a substantial financial hardship.

Our records indicate that the construction permit for the new FM station on Channel 283A, Aurora, North Carolina was still encumbered on September 26, 2001, the final date for payment of FY 2001 regulatory fees. That is, construction of the proposed station was prevented by circumstances not under your control, and the expiration date of your permit was therefore tolled pursuant to the provisions of 47 C.F.R. § 73.3598(b)(ii). See Letter of Linda Blair, Chief Audio Services Division, Mass Media Bureau Dated October 23, 2000. However, on August 17, 2001, the Commission released a Memorandum Opinion and Order in MM Docket No. 95-88 resolving the tolling event by denying further review of the Aurora allotment. The MO&O became effective upon publication in the Federal Register. 66 Fed Reg. 50,843 (Oct. 5, 2001), and as of that

¹ Due to the subsequent acquisition of Woolstone's construction permit by Media East, LLC and consummation of the sale of your station on January 15, 2003, we are copying this response to Media East's counsel of record, Mr. Peter Gutmann, Esq.

Alan L. Button, President

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date, your construction permit was no longer encumbered. As you were notified January 15, 2002, the Commission adjusted your construction permit expiration date to December 4, 2004. Since your construction permit was no longer encumbered on September 25, 2002, the final date for payment of the FY 2002 regulatory fee, you are not entitled to a waiver or further deferment of your FY 2002 regulatory fee. Accordingly, your requests for waiver and deferment of the FY 2002 regulatory fees are denied.

Payment in the amount of \$1,500.00 for the FY 2002 regulatory fee is now due. The payment must be filed together with a copy of Form 159 within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a large, stylized initial 'M'.

X Mark A. Reger
Chief Financial Officer

Enclosure:
Form 159

Copy to:
Peter Gutmann, Esq.
Womble, Carlyle, Sandridge and Rice
1401 Eye Street, NW
Washington, D.C. 20005

00000 RRO6-02-~~103~~ ~~1016~~ 111

Woolstone Corporation

P.O. Box 1087
Angier, North Carolina 27501

Alan L. Button
President

Fax: (919) 639-0671

September 21, 2002

Office of the Managing Director
Federal Communications Commission
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Re: Regulatory Fee Waiver and Deferment Request (WFPF-FM)

Dear Sir or Madam:

I am writing to request a waiver, as well as a deferment, of Woolstone Corporation's regulatory fee obligation for fiscal year 2002 as it relates to its Aurora, North Carolina (Channel 283A) construction permit. That fee this year has increased to \$1,500.

Enclosed please find copies of two letters from the Commission, dated November 6, 2001, and April 10, 2001, granting our requested waiver, deferment, and refund requests for fiscal year 2001 and fiscal years 1999 and 2000, respectively. According to the Commission in those letters, because of the encumbrance on our construction permit for reasons beyond our control, "it is clear that good cause has been shown and that the requested relief will serve the public interest."

Also enclosed are copies of the correspondence submitted in support of our previous waiver, deferment, and refund requests.

Our circumstances are exceptional and compelling. As of October 1, 2001, the tolling event suspending the start of our construction period still had not been finally resolved. With Commission and/or judicial actions in MM Docket No. 95-88 not yet final, our construction permit continued to be encumbered. As of October 1, 2001, nearly four years since the grant of our construction permit in January 1998, the encumbrance still precluded construction and consequently, though expenses continued, we were prevented from generating any income whatsoever. With the economy in its current condition, payment of the regulatory fee with this waiver request would be a substantial financial hardship to our start-up company. Accordingly, we hereby request not only a waiver of the fee for the reasons previously approved, but also a deferment of the payment.

Thank you for your consideration.

Very truly yours,



Alan L. Button, President

RECEIVED SEP 27 2002

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 6 2001

OFFICE OF
MANAGING DIRECTOR

Alan L. Button, President
Woolstone Corporation
Post Office Box 1087
100 Karin Court
Angier, North Carolina 27501

RE: Request for Waiver and Refund of
FY 2001 Regulatory Fees
Fee Control Nos. 00000RROG01-051

Dear Mr. Button:

This is in response to the requests for waiver and deferment of the Fiscal Year (FY) 2001 regulatory fees in the amount of \$925.00, filed on behalf of Woolstone Corporation, permittee of Channel 283A, Aurora, North Carolina.

You state that the construction permit that the Commission issued to Woolstone Corporation for Channel 283A in Aurora, North Carolina (BPH-19970227MD), has been conditioned on the outcome of MM Docket No. 95-88, in which, among other things, the Commission refused to substitute Channel 283A with Channel 221A. Noting that the Commission's action in MM Docket No. 95-88 is not yet final, you assert that, given the uncertain, non-final status of your construction permit, you cannot proceed with construction of the proposed station at this time and that these extraordinary and compelling circumstances warrant waiver and deferment of the fees in question.

You are correct that the construction permit for the new FM station on Channel 283A, Aurora, North Carolina is encumbered. In this regard, it appears that the Commission has concluded that the construction of your proposed station has been prevented by circumstances that are not under your control and the expiration date of your construction permit has been tolled pursuant to the provisions of 47 C.F.R. § 73.3598(b)(ii). *See* Letter of Linda Blair, Chief Audio Services Division, Mass Media Bureau dated October 23, 2000. Under these circumstances, it is clear that good cause has been shown and that the requested relief will serve the public interest. Accordingly, your requests for waiver and deferment of the FY 2001 regulatory fees will be granted.

Alan L. Button, President

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If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", written over a horizontal line.

 Mark Reger
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

APR 10 2001

OFFICE OF
MANAGING DIRECTOR

Alan L. Button
President
Woolstone Corporation
Post Office Box 1087
100 Karin Court
Angier, North Carolina 27501

RE: Request for Waiver and Refund of
FY 1999 and 2000 Regulatory Fees
Fee Control Nos. 9909208835468007
and 0009218835763004

Dear Mr. Button:

This is in response to the requests for waiver and refund of the Fiscal Year (FY) 1999 and Fiscal Year (FY) 2000 regulatory fees, filed on behalf of Woolstone Corporation, permittee of Channel 283A, Aurora, North Carolina.

You state that you have paid fees of \$780.00 for FY 1999 and \$755.00 for FY 2000, but that the construction permit that the Commission issued to Woolstone Corporation for Channel 283A in Aurora, North Carolina (BPH-19970227MD), has been conditioned on the outcome of MM Docket No. 95-88, in which, among other things, the Commission refused to substitute Channel 283A with Channel 221A. Noting the pendency of a Petition for Reconsideration of the Commission's action in MM Docket No. 95-88, you assert that, given the uncertain, non-final status of your construction permit, you cannot proceed with construction of the proposed station at this time and that these extraordinary and compelling circumstances warrant waiver and refund of the fees in question.

You are correct that the construction permit for the new FM station on Channel 283A, Aurora, North Carolina is encumbered. In this regard, it appears that the Commission has concluded that the construction of your proposed station has been prevented by circumstances that are not under your control and the expiration date of your construction permit has been tolled pursuant to the provisions of 47 C.F.R. § 73.3598(b)(ii). *See* Letter of Linda Blair, Chief Audio Services Division, Mass Media Bureau dated October 23, 2000. Under these circumstances, it is clear that good cause has been shown and that the requested relief will serve the public interest. Accordingly, your requests for waiver of the FY 1999 and FY 2000 regulatory fees will be granted.

Alan L. Button

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Checks made payable to the maker of the original checks, and drawn in the amounts of \$780.00 and \$755.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please call the Revenue & Receivable Operation Group at 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", with a stylized flourish at the end.

Mark Reger
Chief Financial Officer

Woolstone Corporation
P.O. Box 1087
100 Karin Court
Angier, North Carolina 27501

Alan L. Button
President

Fax: (919) 638-0671

By Express Mail

September 22, 2001

Office of the Managing Director
Federal Communications Commission
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Re: Regulatory Fee Waiver and Deferment Request (BPH-970227MD)

Dear Sir or Madam:

I am writing to request a waiver, as well as a deferment, of Woolstone Corporation's regulatory fee obligation for fiscal year 2001 as it relates to its Aurora, North Carolina (Channel 283A) construction permit. That fee is \$925.

Enclosed please find a copy of the letter from the Commission, dated April 10, 2001, granting our requested refunds for fiscal years 1999 and 2000. According to the Commission in that letter, because of the encumbrance on our construction permit for reasons beyond our control, "it is clear that good cause has been shown and that the requested relief will serve the public interest."

Also enclosed are copies of the correspondence submitted in support of our previous refund requests.

Our current circumstances are exceptional and compelling. As of October 1, 2000, the status of our construction permit was unchanged, with the Application for Review in MM Docket No. 95-88 still pending. It has been nearly four years now since the grant of our construction permit in January 1998. During that time, the encumbrance has precluded construction and consequently, though expenses have continued, we have been prevented from generating any income whatsoever. With the economy in its current condition, payment of the regulatory fee with this waiver request would be a substantial financial hardship to our start-up company. Accordingly, we hereby request not only a waiver of the fee for the reasons previously approved, but also a deferment of the payment.

Thank you for your consideration.

Very truly yours,



Alan L. Button, President

Woolstone Corporation

P.O. Box 1087
100 KARIN COURT
ANGIER, NORTH CAROLINA 27501

ALAN L. BUTTON
PRESIDENT

FAX: (919) 639-0671

By Fax: (202) 418-2843 (4 pages, including this cover)

December 18, 2000

Ms. Susan Donahue
Revenue and Receivable Operations Group
Federal Communications Commission
445 12th Street, S.W., Room 1-A820
Washington, D.C. 20554

Re: Regulatory Fee Waiver and Refund Request (BPH-970227MD)

Dear Ms. Donahue:

I am writing to reiterate Woolstone Corporation's request for a waiver and refund of the 1999 and 2000 regulatory fees for its Aurora, North Carolina (Channel 283A) construction permit. Those fees are \$780 and \$755, respectively, for a total of \$1535.

Since we last wrote on September 19, 2000, there has been one significant additional development that confirms the extraordinary and compelling circumstances justifying our request. On October 23, 2000, the Commission expressly acknowledged that this permit continues to be "encumbered" by a rulemaking proceeding commenced in 1995 (MM Docket 95-88). In fact, there is an application for review now pending in that proceeding. In recognition of the still uncertain non-final status of the permit, the Commission has tolled the start of the running of the permit period until the application for review is resolved. For your information, a copy of the FCC's October 23rd determination is enclosed. I am also enclosing for your information copies of our previously submitted 1999 and 2000 requests for refunds.

At this point, Woolstone would very much appreciate your expedited consideration of this request. If you have any questions, please do not hesitate to contact either me (at (910) 893-1767) or my FCC attorneys at Fletcher, Heald & Hildreth, Vincent Curtis or Anne Crump.

Thank you for your attention to this matter.

Very truly yours,



Alan L. Button, President

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

OCT 23 2000

In Reply Refer To:
1800B3-GDG

Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209-3801

In re: WFPF(FM), Aurora, NC
--- Facility No. 85793
File No. BPH-19970227MD

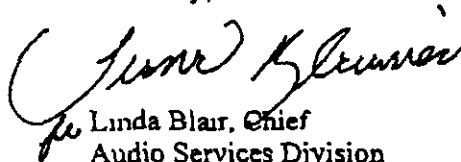
Dear Ms. Crump:

This letter concerns the uncontested October 5, 2000 request filed on behalf of Woolstone Corporation ("Woolstone") that the referenced construction permit be treated pursuant to the tolling provisions of 47 C.F.R. §73.3598(b)(ii). For the reason detailed below, Woolstone's tolling request is granted.

The referenced permit was initially granted January 12, 1998, and expires January 12, 2001. Woolstone states that the referenced permit is "encumbered" by a condition on the referenced permit linking the authorization's finality to finality in a contested rulemaking proceeding, MM Docket 95-88. That proceeding remains ongoing. Our analysis confirms that the referenced permit is eligible, pursuant to the *Report and Order* in MM Docket 98-43, 13 FCC Rcd 23056, (1998), *recon. granted in part and denied in part* 14 FCC Rcd 17525, 17540 (1999), for tolling.

Accordingly, Woolstone's tolling request is granted. Upon notification to this office, pursuant to 47 C.F.R. §73.3598(d), that the tolling matter has been resolved, we will permanently modify the Commission's records to reflect the appropriate expiration date. If the tolling event has not been resolved by January 12, 2001, please notify the Commission of that fact with a courtesy copy to Glenn Greisman, Industry Analyst, Audio Services Division (Room 2-B450).

Sincerely,



Linda Blair, Chief
Audio Services Division
Mass Media Bureau

Cc: Ellen Mandell Edmundson, Esq.

Woolstone Corporation

P.O. Box 1087
100 KARIN COURT
ANGIER, NORTH CAROLINA 27501

ALAN L. BUTTON
PRESIDENT

FAX (919) 639-0671

By Fax: (202) 418-2843 (2 pages, including this cover)

To: Mr. Tom Putnam
Credit and Debt Management Group
Federal Communications Commission

From: Alan L. Button 

Date: September 19, 2000

Re: WFPF Regulatory Fees for 1999 and 2000

Per the telephone message/request that I got from your office yesterday, following is a copy of Woolstone's September 1999 fee waiver request.

As noted, Woolstone's construction permit for Aurora, North Carolina is conditional. Since we have not yet received a response to our 1999 waiver request, we are once again paying the annual fee. At the same time, however, we once again request a waiver on the grounds identified in our 1999 request. As of today, the construction permit remains in limbo. In fact, MM Docket No. 95-88 has an Application for Review pending currently.

Please give me a call at my office at (910) 893-1767 if you would like any additional information.

Thank you for your consideration.

Woolstone Corporation

100 KARIN COURT
ANGIER, NORTH CAROLINA 27501

ALAN L. BUTTON
PRESIDENT

September 22, 1999

Office of the Managing Director
Federal Communications Commission
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Re: Regulatory Fee Waiver Request (BPH-970227MD)

Dear Sir or Madam:

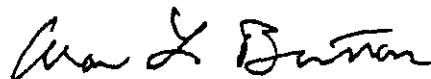
This letter constitutes Woolstone Corporation's request for a waiver of the 1999 regulatory fee of \$780 for Woolstone's construction permit for Channel 283A in Aurora, North Carolina. A description of the extraordinary and compelling circumstances supporting Woolstone's request follows.

Woolstone was granted a conditional construction permit on January 12, 1998. In awarding the construction permit, the Commission took the highly unusual step of making the permit non-final, conditioning its ultimate viability on the outcome in MM Docket No. 95-88. In that proceeding, the petitioner seeks, among other things, reconsideration of the Commission's decision refusing to substitute Channel 283A with Channel 221A. Such a substitution, as stated in Woolstone's submissions in that proceeding and in BPH-970227MD, would almost certainly foreclose the procurement of any suitable tower site. Accordingly, since the proceeding was still unresolved in April 1999 and since the permit was set to expire on July 12, 1999, Woolstone requested and was granted an extension of the permit until January 12, 2001.

MM Docket No. 95-88 is, however, still pending. Since the Commission has not yet issued a decision, Woolstone continues in limbo, faced with the real possibility of losing not only what it has already invested but now an additional \$780 fee as well. The public interest in reimbursing the Commission for its regulatory costs is clearly overridden in this case by the public interest in treating applicants fairly and not imposing fees for permits that are non-final. This is especially true when such permits may be rendered valueless, notwithstanding applicants' substantial investments, because of Commission decisions (yet to be made) in long-pending proceedings. Accordingly, Woolstone hereby requests a waiver and refund of the fee.

Thank you for your consideration.

Very truly yours,



Alan L. Button, President